

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DWAYNE DICKERSON

Plaintiff,

vs.

**RAND HENDERSON AND
MONTGOMERY COUNTY SHERIFF'S
DEPARTMENT
*Defendants.***

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CIVIL ACTION NO. _____

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

1. Defendants RAND HENDERSON AND MONTGOMERY COUNTY SHERIFF'S OFFICE ("Defendants"), by its undersigned attorney, respectfully shows this Court as follows:

2. On October 22, 2019, Cause No. 19-10-14292 was commenced against Defendants in the 284th Judicial District Court of Montgomery County, Texas, and is now pending therein.

3. On October 24, 2019, Defendants were served with this lawsuit.

4. This action is a civil action of which this Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. §1331, and the action may therefore be removed to this Court pursuant to 28 U.S.C. §1441(c) in that one of the claims against Defendant appears to arise under § 1983 of Title 42 of the United States Code, The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504).

5. This notice is filed with this Court within 30 days after Defendant became aware of Plaintiff's Original Petition, originally filed as "Statement of Claim" in the above-entitled

action.

6. On the date set forth below, a copy of this Notice is being filed with the Clerk of the District Court of Texas, County of Montgomery.

Index of Matters Being Filed

7. Exhibits:

- 1) Plaintiff's Original Petition, originally filed as "Statement of Claim"
- 2) Affidavit of Military Service filed 10/22/2019
- 3) Plaintiff's cover letter indicating service of Statement of Claim to Defendants on October 22, 2019
- 4) Plaintiff's Motion to Amend and Supplement his Original Statement of Claim
- 5) Notice of Lawsuit and Request for Waiver of Service of Summons
- 6) Affidavit of Military Service filed 11/3/2019
- 7) Plaintiff's cover letter indicating service of Plaintiff's Motion to Amend and Supplement his Original Statement of Claim to Defendants on November 3, 2019
- 8) Docket Report

8. The requirements of 28 U.S.C. § 1446(a), (b), (d) and (e) and S.D. Tex. Loc. R. LR81 are thus satisfied. Accordingly, Defendants respectfully request that the removal of this action be entered on the docket of this Court.

WHEREFORE, Defendants pray that the above-entitled action be removed from the 284th District Court of Montgomery County, Texas to this Court.

Respectfully submitted,

B. D. GRIFFIN
Montgomery County Attorney

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Fax. (936) 539-7964

By: /s/ Ronald P. Chin
Ronald P. Chin
Assistant County Attorney
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ATTORNEY FOR DEFENDANTS
RAND HENDERSON AND
MONTGOMERY COUNTY SHERIFF'S
OFFICE

Notice of Electronic Filing

I, Ronald P. Chin, Assistant Montgomery County Attorney, certify that on the 8th day of November, 2019, I have electronically filed a true and correct copy of the foregoing notice in accordance with the CM/ECF System and Rules of the Southern District of Texas.

s/Ronald P. Chin
Ronald P. Chin

Certificate of Service

I, Ronald P. Chin, Assistant Montgomery County Attorney, certify that on the 5th day of November, 2019, I have served **by U.S. Mail** a true and correct copy of the foregoing notice to all parties of record as well as through the CM/ECF System in accordance with the Federal Rules of Civil Procedure and Rules of the Southern District of Texas.

Mailed to:
Dwayne Dickerson, #2267571, Jester III Correctional Facility, 3 Jester Road, Richmond, TX 77406.

/s/ Ronald P. Chin
Ronald P. Chin